

EXPRESS MAIL NO.: ER568537895US

New Docket No.: 302705.3004-100

DATE:

March 8, 2004

Prior Docket No.: SYP-060RECN



TERMINAL DISCLAIMER TO OBLVIAE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT

In re Application of: Marvin L. Vestal

Application No.: 09/755,951

Filed: January 4, 2001

For: Mass Spectrometer System & Method for Matrix-Assisted Laser Desorption Measurements

The owner, PerSeptive Biosystems, Inc. of the entire right title and interest in the above-identified application (Application No. 09/755,951) hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. RE37,485. The owner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to Application No. 09/755,951, shall be the same as legal title to Patent No. RE37,485. This agreement to run with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of Patent No. RE37,485, as presently shortened by any terminal disclaimer in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is empowered to act on behalf of the owner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Andrew T. Karnakis
Signature

MAR. 5, 2004
Date

Andrew T. Karnakis, Chief Patent Counsel
Typed or printed name

- The terminal disclaimer fee under 37 CFR § 1.20(d) is enclosed.
- Certificate under 37 C.F.R. § 3.73(b) is enclosed.

03/11/2004 JBLINW 00000089 501935 09755951

02 FC:1014 110.00 DA

COPY

DATE: March 8, 2004EXPRESS MAIL NO.: ER 568537895 USExpress Mail Label No.: ET8177134354SDate: July 24, 2003PATENT APPLICATION
Docket No.: 302705.3004-100
Prior Docket No.: SYP-06aRECN

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Applicants: Marvin L. Vestal

Application No.: 09/755,951 Filed: January 4, 2001 Confirmation No.: 4499

For: Mass Spectrometer System and Method For Matrix-Assisted
Laser Desorption MeasurementsPerceptive Biosystems, Inc., a Corporation

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is:

A. the assignee of the entire right, title and interest in the patent application identified above.B. an assignee together with [] of the entire right, title and interest in the patent application identified above. A separate Certificate under 37 CFR § 3.73(b) is attached.

The right, title and interest of the above-named assignee in the patent application identified above is established by virtue of:

A. An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 7731, Frame 0863, or for which a copy thereof is attached.

OR

B. A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:1. From: To:
The document was recorded in the Patent and Trademark Office at
Reel , Frame , or for which a copy thereof is attached.2. From: To:
The document was recorded in the Patent and Trademark Office at
Reel , Frame , or for which a copy thereof is attached.3. From: To:
The document was recorded in the Patent and Trademark Office at
Reel , Frame , or for which a copy thereof is attached. Additional documents in the chain of title are attached. Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: Andrew T. KarnakisName: Andrew T. KarnakisTitle: Chief Patent CounselSignature: 24 July 2003

COPY